MONTANA LEGISLATIVE HISTORY

Chapter 521 19 81

Bill H _____ S 152 Original bill & history ___C

H. Committee on Local Govt		S. Committee on Local Govt	
Hearing Date(s) 3/5	___C	Hearing Date(s) _____	___C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 3/25	___C	out 2/4	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Jt CC
report 4/11

SENATE BILL NO. 152

INTRODUCED BY MAZUREK, KEATING

IN THE SENATE

January 16, 1981	Introduced and referred to Committee on Local Government.
February 4, 1981	Committee recommend bill do pass. Report adopted.
February 5, 1981	Bill printed and placed on members' desks.
February 6, 1981	Second reading, do pass.
February 7, 1981	Correctly engrossed.
February 9, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 10, 1981	Introduced and referred to Committee on Local Government.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in as amended.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 79; Noes, 15.

IN THE SENATE

April 1, 1981	Returned from House with amendments.
April 3, 1981	Second reading, amendments not concurred in.
April 7, 1981	On motion Conference Committee requested.
	Conference Committee appointed.
April 13, 1981	Conference Committee reported and dissolved.
April 15, 1981	Second reading, Conference Committee report adopted.
April 16, 1981	Third reading, Conference Committee report adopted. Ayes, 48; Noes, 2. Transmitted to House.

IN THE HOUSE

April 20, 1981	Conference Committee report adopted.

IN THE SENATE

April 20, 1981	Returned from House. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

REPORT: BE NOT CONCURRED IN, 3/9
REPORT: ADOPTED, 3/11
BILL KILLED: 3/11 YEAS: 81; NAYS: 15

SB 150 -- KOLSTAD, DOVER, GOODOVER ET AL -- TO CLARIFY THE STATUTES ALLOWING THE INVESTMENT CREDIT.....
FISCAL NOTE: REQUIRED.
INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION: 1/16
HEARING: 2/2
RE-REFERRED TO COMMITTEE ON TAXATION: 3/25
REPORT: 3/28, DO PASS AS AMENDED
2ND READING: 4/1, DO PASS
3RD READING: 4/3, YEAS: 44; NAYS: 4

TRANSMITTED TO HOUSE: 4/3
REFERRED TO COMMITTEE ON TAXATION: 4/4
HEARING: 4/7
REPORT: 4/8, BE CONCURRED IN, AS AMENDED
2ND READING: 4/10, YEAS: 66; NAYS: 14
ON MOTION, 4/10, RULES SUSPENDED AND PLACED ON 3RD READING
3RD READING: 4/10, YEAS: 63; NAYS: 30

RETURNED TO SENATE WITH AMENDMENTS: 4/10
ON MOTION, 4/10, RULES SUSPENDED, PLACED ON 2ND & 3RD READING
2ND READING: 4/10, BE CONCURRED IN
3RD READING: 4/10, YEAS: 48; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/14
ACTION: 4/18, AMENDATORY VETO

GOVERNOR'S AMENDMENTS
SENATE
2ND READING: 4/21, BE CONCURRED IN
ON MOTION, 4/21, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/21, YEAS: 49; NAYS: 1

HOUSE
2ND READING: 4/22, YEAS: 78; NAYS: 12
ON MOTION, 4/22, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/22, YEAS: 82; NAYS: 10

TRANSMITTED TO GOVERNOR: 4/23/81
ACTION: 4/29, SIGNED
CHAPTER 520

SB 151 -- MAZUREK -- AMENDING 33-16-103 BY DELETING THE EXCEPTION OF TITLE INSURANCE.
INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/16
HEARING: 1/23
REPORT: 1/28, DO PASS
2ND READING: 1/31, YEAS: 26; NAYS: 23
3RD READING: 2/3, YEAS: 36; NAYS: 8

TRANSMITTED TO HOUSE: 2/3
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 2/4
HEARING: 3/9
REPORT: 3/9, BE CONCURRED IN
2ND READING: 3/12, YEAS: 80; NAYS: 3
3RD READING: 3/14, YEAS: 93; NAYS: 1

RETURNED TO SENATE: 3/14

TRANSMITTED TO GOVERNOR: 3/18/81
ACTION: 3/23, SIGNED
CHAPTER 126

SB 152 -- MAZUREK, KEATING -- AMENDING 7-12-4301 TO ALLOW MUNICIPALITIES FLEXIBILITY IN ASSESSING THE COSTS FOR SPECIAL LIGHTING DISTRICTS.
INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/16
HEARING: 1/29
REPORT: 2/4, DO PASS
2ND READING: 2/6, DO PASS
3RD READING: 2/9, YEAS: 49; NAYS: 1

TRANSMITTED TO HOUSE: 2/9
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/10
HEARING: 3/5
REPORT: 3/25, BE CONCURRED IN, AS AMENDED
2ND READING: 3/28, AS AMENDED -- YEAS: 57; NAYS: 18
3RD READING: 3/31, YEAS: 79; NAYS: 15

RETURNED TO SENATE WITH AMENDMENTS: 3/31
2ND READING: 4/3, BE NOT CONCURRED
ON MOTION, 4/7, CONFERENCE COMMITTEE APPOINTED

JOINT CONFERENCE COMMITTEE REPORT NO. 1: 4/11
SENATE
2ND READING: 4/15, BE CONCURRED IN
3RD READING: 4/16, YEAS: 48; NAYS: 2
HOUSE
2ND READING: 4/17, YEAS: 79; NAYS: 3
ON MOTION, 4/17, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/17, YEAS: 92; NAYS: 3

TRANSMITTED TO GOVERNOR: 4/23/81
ACTION: 4/29, SIGNED
CHAPTER 521

SB 153 -- HAGER -- AMENDING 7-23-2108 TO ALLOW COUNTIES TO LEVY FOR DOG CONTROL PROGRAMS.
INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/16
HEARING: 1/29
REPORT: 2/16, ADVERSE REPORT ADOPTED -- YEAS: 30; NAYS: 15
-- KILLED

SB 154 -- KOLSTAD, GALT, IVERSON, ET AL -- AMENDING 20-3-322 TO SPECIFY NOTICE REQUIREMENTS FOR OPEN MEETING LAWS.
INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION: 1/16
HEARING: 1/21
REPORT: 2/5, DO PASS AS AMENDED
2ND READING: 2/7, DO PASS
3RD READING: 2/10, YEAS: 45; NAYS: 0

TRANSMITTED TO HOUSE: 2/10
REFERRED TO COMMITTEE ON EDUCATION: 2/11
HEARING: 3/6
REPORT: 3/6, BE NOT CONCURRED IN
REPORT ADOPTED: 3/7
BILL KILLED: 3/7 YEAS: 79; NAYS: 11

INTRODUCED BY Mazurek Keating

Senate BILL NO. 152

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES GREATER FLEXIBILITY IN ASSESSING THE COSTS OF INSTALLING AND MAINTAINING A LIGHTING SYSTEM TO THOSE WHO BENEFIT FROM A SPECIAL LIGHTING DISTRICT; AMENDING SECTION 7-12-4301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-12-4301, MCA, is amended to read:

"7-12-4301. Special improvement districts for lighting streets authorized. (1) The council of any city or town is authorized to:

(a) create special improvement districts embracing any street or streets or public highway therein or portions thereof and property adjacent thereto or property which may be declared by said council to be benefited by the improvement to be made for the purpose of lighting such street or streets or public highway;

(b) require ~~not more than three fourths and not less than one fourth of~~ that all or any portion of the cost of installing and maintaining such lighting system ~~to~~ be paid by the owners of the property embraced within the boundaries of such districts; and

(c) assess and collect such portion of such cost by special assessment against said property.

(2) The governing body may create special lighting districts on any street or streets or public highway for the purpose of lighting them and assess the costs for installation and maintenance to property abutting thereto and collect the costs by special assessment against the property."

-End-

INTRODUCED BILL
SB 152

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
January 29, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 1:15 p.m.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 152:

AN ACT AMENDING 7-12-4301 TO ALLOW MUNICIPALITIES FLEXIBILITY IN ASSESSING THE COSTS FOR SPECIAL LIGHTING DISTRICTS.

Senator Mazurek, District 16, Helena, introduced the bill at the request of the City of Helena and the City of Billings. The bill would allow city governments to use their discretion in determining what portion of lighting SID's would be paid by the city. Taxpayers pay 1/4 of the cost of a lighting district. Most lighting districts are residential districts. This bill allows local governments to determine what share the general property taxpayer should pay to the district. If the general public benefits from the lighting district, the city could assess a portion of the cost against general taxpayers. The total amount paid by the City of Helena is $30,288 per year. This represents about 1 mill in Helena. This bill gives flexibility to the city government to determine what portion of a lighting SID benefits the public at large. He then handed out a letter from Dennis Taylor, Director of Budget and Evaluation for the City of Helena. This has a breakdown of light maintenance districts in Helena. (See attached Exhibit A.)

Bill Verwolf, Financial Director for the City of Helena, said in terms of lighting districts, there are several different kinds for different areas of town. He does not feel it is fair that all property owners are paying for lighting districts whether they are receiving benefits from it or not.

Ken Haag, representing the City of Billings, spoke in favor of the bill. He said this bill would make city lighting districts equal to the county lighting districts. Different districts in the county are assessed differently. (See attached Exhibit B.)

Tom Crowley, City of Missoula, said this equals exactly the way the lighting districts are handled in the county.

Dan Mizner of the League of Cities and Towns believes local government officials need the prerogative to work with the citizens to determine what is best for their city. He is in favor of the bill.

No opponents of the bill appeared before the committee.

Senator Mazurek wanted to add, in closing, that this would put the lighting districts on par with other SID's. The total cost on an average basis is perhaps $4 or $5 a year to the people in the lighting districts.

Senator McCallum then asked for questions from the committee.

Senator Conover asked if, when these districts are set up, do they operate under the same lighting system as on the farms. Does each home pay the same every month.

Mr. Haag answered this is assessed against the property. If there is less than 50% protesting the district, it may still be created. If there is more than 50% protesting, they cannot create the district.

Senator Hammond asked if this was for both installation and material costs.

Mr. Haag said yes. They generally contract with Montana Power Company to furnish, install and maintain the lighting. It would also be possible to sell bonds for the installation.

Senator McCallum asked if the city can create a lighting district on their own, so the people of the city would have to petition to get out of it.

Mr. Haag said it can be totally initiated by the city but the cities do not like to do that.

Senator McCallum asked if they can dissolve it by petition of more than 50% of the residents.

Mr. Haag said if there is over 50% protesting the district, the council may not create a district.

Senator McCallum asked if the SID's paid by taxes are semi-annual or once a year.

Mr. Haag said it doesn't have to be once a year. In a special improvement district it has to be once a year because that was how the bonds were sold.

Senator Van Valkenburg asked Senator Mazurek why we maintain the floor of 1/4 the cost of people effected. Is there no instance where the people benefiting from SID pay less than 1/4. Present law says not more than 3/4 or less than 1/4 be paid by the property owners.

Senator Mazurek said they are leaving this to local decision.

Mr. Haag thought of one instance where you may want perhaps an apartment building that is adjacent to the lighting district to pay less than 1/4.

There was no further discussion on Senate Bill No. 152.

CONSIDERATION OF SENATE BILL NO. 153:

AN ACT TO ALLOW COUNTIES TO LEVY A GENERAL TAX OF TWO MILLS FOR IMPLEMENTATION AND OPERATION OF A DOG CONTROL PROGRAM AND PROVIDING FOR DEPOSIT OF MONEY FOR DOG CONTROL.

Senator Hager introduced this bill and told everyone that two years ago he introduced a bill enabling counties to set up a dog control ordinance because there were people having problems with dogs. They passed that bill and when the Yellowstone County government went to implement it, they called for .56 mills on the taxes and got a letter from the Montana Taxpayers Association asking if they had the right to do this. We need to make it clear that counties have the right to levy up to 2 mills for dog control. They are now levying under a half a mill in Billings. They had to enact the dog control program and now enact the mill levy. He then handed out a letter from Yellowstone County. (See attached Exhibit C.)

Mike Stephen of the Montana Association of Counties supports this bill. Legislators should appreciate that counties are trying to get into this program at a very minimal cost. They are trying to get by with one or two persons taking care of the dog problems instead of setting up a new department and sending people out to patrol the entire county. Lewis and Clark County fines $25 for the first offense, $50 for the second and $100 for the third offense. The dog can be destroyed after that. They use the city dog pound instead of setting up their own facility. This bill gives each county latitude. Each county is setting up a program that answers their own needs. Payment generally comes out of the General Fund. Counties seem to be doing everything possible to keep costs at a minimum. We are searching for a mechanism which can adequately finance this program and hope to keep it at a minimum.

John Nesbo, Toole County Commissioner and president of the Montana Association of Counties supports the bill because there is local control and local option. There are a lot of unincorporated towns that have severe dog problems. Sheriffs do not want to attend to these. We need some type of mechanism to handle the situation. He appreciates the committee's consideration of this bill.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 1/29/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

DATE JANUARY 29, 1981

COMMITTEE ON LOCAL GOVERNMENT BILL NO. SB152

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Oppose
Ken Haag	City of Billings	✓	
Tom Crowley	City of Missoula	✓	
Jack Mayhew	Montana League of Cities & Towns	✓	
Connye Hagel			
Joseph P. Mazurek	Sen Dist 16	Sponsor	
Dennis Taylor	City of Helena	✓	
Bill Verwolf	City of Helena	✓	

(Please leave prepared statement with Secretary)

NAME: Bill Verwolf DATE: 1-29-81

ADDRESS: City of Helena, 316 N. Park, Helena MT

PHONE: 442-9920

REPRESENTING WHOM? City of Helena

APPEARING ON WHICH PROPOSAL: SB 152

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

The requirement that Citi's general fund participate at a level of 25% requires that all the property owners, whether receiving the benefit of the lighting districts or not, are required to participate. We feel that equity would be best served by assessing the total cost of these districts to the property owners receiving the benefit. For those districts that the general population receives a benefit, the City Commission could determine the amount of general fund participation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Ken Haag DATE: 1-29-81

ADDRESS: Box 1178

PHONE: 245-8985

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: SB 152

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Written Testimony Submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Tom Crowley DATE: 1/29/81

ADDRESS: 201 West Spruce - Missoula, Mt

PHONE: 721-4700 Ext 221

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: SB 152

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: This bill corrects & makes the Citys SID law equal to County SID law on lighting districts

SIDs serve the local or specific area requesting the service or improvements. The general tax payers should not have to pay for others special improvements.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Exhibit B

CITY OF BILLINGS

P.O. BOX 1178
BILLINGS, MONTANA 59103
PHONE (406) 245-8989

January 28, 1981

To Senate Committee on Local Government

Senate Bill 152 is legislation which would make it permissible for local governments to assess 100% of a light district's costs to the property within that district instead of the presently allowed 75%.

I would emphasize that all local governments would probably not take advantage of this legislation, but it would allow those with a problem of equity to solve this problem.

For example, the City of Billings has approximately 35% of the City presently not lighted. This property is paying its share of the 25% City cost to provide lighting in other neighborhoods, and is not receiving a direct benefit from this payment.

If the City of Billings totally changed its procedure in accordance with this bill the average property in an existing light district would pay approximately $2.67 per month instead of the present $2.00, and the City would save approximately $100,000 General Fund expenses annually.

The present law was probably passed with an eye towards encouraging light district formation, however, it has reached a point that it is placing a large burden on local governments, and eliminates the flexibility that local government needs in the areas of energy management and public safety needs. This bill would provide that flexibility.

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
February 3, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 1:15 p.m.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 236:

AN ACT TO CLARIFY THE LAW RELATING TO JOINT AND CONSOLIDATED PLANNING BOARDS.

Senator Conover, sponsor of the bill, handed out the proposed amendments to this bill. (See attached Exhibit A.) He said this bill clarifies the existing law to form city-county planning boards. Some cities, including Columbus, have already formed such a board. By putting this bill into effect, it will make it lawful for the formation of joint or consolidated boards. This bill gives the governing bodies the authority to form these boards. The importance of the planning board is underestimated. Montana is effected by urban sprawl. City problems are extended to the rural areas. Growth can be controlled and planned in a better manner. Joint and consolidated boards can lower the costs of planning. This bill will simply clarify the law.

Rose Leavitt of the League of Women Voters supports orderly community growth through innovative land use planning. This bill clarifies the law on this. The League supports this bill.

Ken Peterson, Billings City Attorney, said Billings is the fastest growing city in the state. Because of that, they have a concern with respect to orderly growth. He fully supports the bill as is written and also supports Senator Conover's amendment. Billings has a city-county planning board formed under state law. The law, as construed in some places, says that the city-county board appoints the staff. These volunteers are expected to plan for the City of Billings and the County of Yellowstone and are also expected to administer the staff. The members often don't have the time and the expertise to administer staff. The law indicates you can form a board by interlocal agreement. The City of Billings and County of Yellowstone got together on this and agreed someone needed to administer the staff. It was felt the city would be in the best position to administer the staff. He drafted the agreement. The Attorney General's Office found a problem with it. They felt they could not exercise the powers set forth in the agreement.

35, he can see no distinction. A firefighter has to demonstrate his ability yearly through a physical.

Senator McCallum then called for questions from the committee.

Senator Hammond wanted someone to explain how the retirement program is set up. Is it on the basis of years and salary.

Mr. Blehm said you have to serve 20 years and be 50 years of age. You must be an active fireman at age 50. Deaths among firemen are about double that of policemen. Firefighting is a more hazardous profession.

Senator O'Hara asked Ray Blehm how many firefighters died in the last five years in Montana.

Mr. Blehm did not have that kind of statistics with him.

Senator Ochsner asked Mr. Blehm what the going rate of retirement was today.

Mr. Blehm explained they have an escalator provision.

Senator Van Valkenburg asked Mr. Blehm what minimum age other jurisdictions use.

Mr. Blehm did not know. He said in talking to other people around the country they are trying to keep it as low as possible for the reasons they have stated.

Senator McCallum asked Mr. Blehm if disability did not start until after 5 years of service.

Mr. Blehm said you do not get coverage until after 6 months of service and you are confirmed.

DISPOSITION OF SENATE BILL NO. 152: A motion was made by Senator Hammond that this bill receive a DO PASS.

Senator Van Valkenburg wonders about taking the floor out of this thing where there is no requirement that the people benefiting from this pay a specific amount. Taking off the ceiling is okay where they would have to pay the whole amount. You would be leaving it to the discretion of the local government.

Senator Hammond's motion carried unanimously. Senate Bill No. 152 DO PASS.

DISPOSITION OF SENATE BILL NO. 116: Senator Van Valkenburg offered an amendment which would provide the first $100,000 of forest receipts would go to the counties and anything beyond that

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 2/3/81 Senate Bill No. 152 Time 1:15

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved this bill DO PASS.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 3 19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 152

Respectfully report as follows: That SENATE Bill No. 152

DO PASS

GEORGE MCCALLUM Chairman.

STATE PUB. CO.
Helena, Mont.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 2/3/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 13, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Anderson, Ryan, Smith, Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Thursday, April 9, 1981:

Jeannette Thornton.....Standing Comm. Secy.

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 11, 1981:

Julie Astle.....Page
Andrea Gary.....Page
Jim LaBelle.....Page
Marcella Lynch.....Page
Alfred Skogan.....Page
Doug Strosnider.....Page
Tracy Ward.....Page
Michael Wollan.....Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 13, 1981:

John Grande.....Page
Bruce Cason.....Page
Doug Stipcich.....Page
Julie Ann Murphy.....Page
Elizabeth Elliott.....Page
Mike Stoeckig.....Page
Joni Meldrum.....Page

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 45, third reading copy, be amended as follows:

1. Page 44, line 6.
Following: "RETIRED"
Insert: "on or after July 1, 1975, but"

2. Page 47, line 22.
Following: "~~14%~~"
Strike: "15%"
Insert: "14.04%"

And, as so amended, be concurred in. Report adopted.

HB 469, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: line 18
Insert: "This appropriation may be used only for research. No costs of administration or other indirect costs of the program may be funded by this appropriation."

And, as so amended, be concurred in. Report adopted.

HB 854, be concurred in. Report adopted.
HB 863, be concurred in. Report adopted.
HB 864, be concurred in. Report adopted.
HB 19, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Story, Thomas, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Conover, Crippen, Eck, Hafferman, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 18

Excused: Anderson, Boylan, S. Brown, Severson, Stephens.
Total 5

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL NO. 152
Report No. 1, April 11, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Bill No. 152, met April 11, 1981, and considered:

House Local Government Committee Amendments to the third reading copy, dated March 25, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 28, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 and 2, dated March 25, 1981;

That the House recede from Committee of the Whole Amendment No. 1, dated March 28, 1981;

That the reference copy of Senate Bill No. 152 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on Senate Bill No. 152 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, lines 23 and 24.
Following: "system"
Strike: "INSTALLED AFTER JULY 1, 1981,"

FOR THE SENATE:

Senator Elliott, Chairman
Senator Mazurek
Senator Keating

FOR THE HOUSE:

Representative Hannah, Chairman
Representative Dussault
Representative Sales

Report adopted.

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 135
Report No. 1, April 11, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 135, met April 11, 1981, and considered:

Senate State Administration Committee Amendments to the third reading copy, dated March 20, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 24, 1981, and recommend as follows:

That the House accede to Senate State Administration Committee Amendment Nos. 1 through 3;

That the Senate recede from Committee of the Whole Amendment Nos. 1 through 3;

That the reference copy of House Bill No. 135 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to House Bill No. 135 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 5.
Following: "SYSTEM"
Strike: "AND QUALIFIED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM"

2. Page 1, line 12.
Following: "schools."
Strike: "(1)"

3. Page 2, lines 14 through 22.
Following: line 13
Strike: subsection (2)

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Hammond
Senator Regan

FOR THE HOUSE

Representative Hanson, Chairman
Representative Mueller
Representative Kennerly

Report adopted.

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
March 5, 1981

The Local Government Committee met March 5, 1981 at 12:30 p.m. in Room 103 of the Capitol.

CHAIRMAN BERTELSEN called the meeting to order and asked the secretary to call the roll. All committee members were present except REPRESENTATIVES HURWITZ and WALDRON who were absent and REP. MATSKO who was excused because of illness. Staff Reseacher Lee Heiman also attended the meeting.

SENATOR STEVE BROWN was introduced since he was the sponsor of SENATE BILL 35 which was heard on March 3. He apologized for not attending said meeting and said all he asked was that the committee support SENATE BILL 35.

SENATE BILL 115 - sponsored by Senator George McCallum.

CHAIRMAN BERTELSEN introduced SENATOR McCALLUM. He stated the reason the bill was introduced was because of something that happened in his area where a garbage district was formed by the people. They had an understanding of what the fee would be, but when it came out in the taxes, it was about double. This upset a number of people. This bill allows the proposed fee to be charged but if there is any objection to it, there will be a hearing, provided more than 50% of the owners have signed a petition. The hearing will be held to determine an acceptable fee. This bill would make it necessary that everybody know what the fee would be and if they protested with the necessary 50%, they would have a hearing to straighten out the matter. Perhaps no one would have kicked if they'd originally known the exact amount of the charge.

PROPONENTS FOR SENATE BILL 115. There were none. The CHAIRMAN then called for OPPONENTS to Senate Bill 115 and there were none. He asked Senator McCallum if he'd like to close.

SENATOR McCALLUM said "I close".

QUESTIONS FROM COMMITTEE MEMBERS:

REP. ANDRESON asked Senator McCallum if he didn't think requiring 50% of the people to sign a protest before the Board of Commissioners would set a hearing was a rather high percentage?

SENATOR McCALLUM replied it could be high, but 50% was the figure set. Some people think it should be even higher. If people had known what the charge would be, they wouldn't have been as upset as they were when they were billed for it.

SENATOR MAZUREK: No, I think it says that if you don't build a fence and my cow gets on your property and you try to get damages from the owner of the cow, the fact that you didn't build the fence is going to preclude you from recovering against any damage.

REP. HANNAH then commented that in other words we're changing the law from the standpoint where it currently is a situation where the livestock owner must fence in his livestock to a situation in this rural urban area where the property owner must fence out.

SENATOR MAZUREK said yes, that is correct in that type of urban rural situation.

REP. ANDREASON said he wishes to point out that this must be a case where this was agricultural land prior to improvement or building. It was there first, and then someone built a house on it. That is the difference.

REP. HANNAH to Lee Heiman: "Do we have laws on the books now that deal with one property owner doing something creating damages to another property owner?" Let's say I build a stock pond next to your property line and water seeped in and ruined your property.

MR. HEIMAN said there are statutes to protect you in that case.

REP. GOULD wanted to clarify the situation. For instance, you have your farm, there is no fence and you have a homesite, a cow gets out and eats the rose bushes in your new neighbor's yard. That man is as responsible as the farmer for the rose bushes. When you get to the second homesite that **abuts** the first homesite, and the cow eats those rose buses, then the farmer alone would be responsible for those rose bushes.

SENATOR BOYLAN: What I'd like to do is make the person living against me share in the liability for the third party because he or I have been negligent in maintaining a fence.

The CHAIRMAN asked, "are there any more questions?" As there were none, he closed the hearing on HOUSE BILL 131.

SENATE BILL 152 sponsored by Senator Joe Mazurek.

SENATOR MAZUREK said he and SENATOR KEATING of Billings introduced this bill which deals with lighting improvement districts. Under the present statutes being amended by the bill, 7-12-4301, the general property taxpayers are required to pay at least 25% of the cost of all lighting improvement

districts. Under this bill, we would give discretion to local governments to make owners of property with ill-lighting improvement districts pay all or a part of that cost. When the districts were originally created, I believe the 25% requirement was used because it was felt the general property taxpayer would benefit from the lighting improvement district through access to the streets and the general benefits to the community. What we're finding out in my district and I represent the other side of Helena, all the lighting districts are going in around the capitol area and in the new residential districts. However, the people in my lighting district are paying one-fourth of the cost of the lighting improvement district behind the capitol. We are not talking about a great deal of money. This is $30,000 for the whole city of Helena, about one mill. But I quote the question of equity. I feel that in the downtown area all of the taxpayers should be required to pay a portion of the assessment, or in the main thoroughfare areas. I think it is unfair for the taxpayers in my district to have to pay for a small lighting improvement district which is purely a residential subdivision in another corner of the city.

This bill will allow local governments to say, in our opinion, 100% or 80% of the cost of installing and maintaining that district in the corner of the city which benefits primarily those residents of that area will be paid for by them. The city should be allowed to make that determination, and I urge your concurrence in SENATE BILL 152.

PROPONENTS FOR SENATE BILL 152

BOB ERICKSON, City Manager for Helena, said he has a couple comments on what Senator Mazurek touched upon. The flexibility that will be provided in the bill is not a mandate and is not assumed to be one. It would allow governing bodies the flexibility of assessing the costs of installing and maintaining the lighting system for those who actually benefit. I think the point of equity is very important, not only with what Senator Mazurek indicated of equity between those who don't have any lights versus those who do and assuring that 25%, but the equity fact that in lighting districts there are various types of lights and various costs that go along with them. You can have post top, ornamental, or incandescant lights. There is not only the equity factor of not having lights versus having them, but there are different types of lights which are more expensive, ornate types. The whole community shares in that proposition also.

I speak in favor of the bill. I think it would allow the local governing bodies to make those determinations on a district by district basis. That is the flexibility we lack today. I think we should have that flexibility.

TOM CROWLEY, City Engineer of Missoula, supported Senate Bill 152. This bill makes the city lighting districts consistent with county lighting districts, with one exception. It does allow real flexibility when you get into a situation where a governing body wants to determine that flexibility and make it more equitable. At present the city is mandated to pick up 25% of the charges. We have some industrial subdivisions coming in. They want higher levels of lighting and some very expensive fixtures. The rest of us have to pay for it. It would be more equitable if they could pick up some percentage of the cost. Helena has several county lighting districts that are now in the city. These were formed years ago and as the city grew, these lighting districts are now inside of the city.

On the county lighting districts they pay 100%. Just across the street in a city lighting district the taxpayer only pays 25% of the cost. In our specific case the general taxpayer is picking up $24,000 plus paying for the general lighting.

I feel this bill is equitable. Most of the time your improvement districts are created by petition of the people who want the lighting districts in trying to determine what type of lighting they want. The cities try to be responsive and give them what they are asking for, but at the same time they are mandated to pay 25%.

DAN MIZNER said he is Secretary of the Montana League of Cities and Towns and they support Senate Bill 152. It applies to all cities and towns, whether large or small. We've had some rural areas that have been put under a lighting district on the edge of the city, as explained to you, and eventually that comes into the city. To be fair to all the people, we hope you will grant to the city government the flexibility contained in this bill.

OPPONENTS TO SENATE BILL 152

REP. PAUL PISTORIA said he hates to be against a Senator. But I think this is a bad bill. This would allow the citizens to pick up the full bill, if the city wanted them to do it. You will have less street lighting than you ever had before. If the citizens have to pay the full bill, there won't be much street lighting in our cities. I don't feel this bill would encourage street lighting because of the cost to the citizens.

CHAIRMAN BERTELSEN asked if there were further opponents. As there were not, he asked SENATOR MAZUREK to close.

SENATOR MAZUREK closed. He stated this bill would bring the lighting district into conformance with paving and sidewalks SID's. You could make the same arguments for those who benefit from dust control and so forth but the residents of that district are required to pay the entire cost of that. One other thing, in Billings the total assessment to the general property taxpayer is $100,000.

QUESTIONS FROM THE COMMITTEE

REP. KESSLER asked Senator Mazurek if he agreed with the flexibility in the bill that the city can apportion the payments for those thoroughfares or for the downtown area.

SENATOR MAZUREK: Yes, there is just no mandatory 25% requirement.

REP. HANNAH asked Senator Mazurek if there are any other statutes which require a public hearing or input as to how you come up with what a major thoroughfare is and what is for the good of everybody in the city.

SENATOR MAZUREK said he is not aware of anything. The only process I can think of would be a bill that the general public would participate in which would be the general budget process. Perhaps Bob Erickson could answer that.

BOB ERICKSON said public hearings were held giving all of the citizens of Helena the opportunity to come in and say whether or not they think there should be a total levy for the whole city. They had that opportunity at that time.

REP. HANNAH asked Bob Erickson if when Helen's downtown area was redone, the citizens had an opportunity to come in and say whether or not it should be a total levy for the whole city.

BOB ERICKSON said the policy was resolved by a commission prior to holding the hearings.

REP. ANDREASON told Senator Mazurek that he is worried that with the great flexibility we've allowed here that there might be a tendency for those that have been previously supported by the system and have gotten their lighting to say to the new developments, "we've got our lighting and now if you want lighting, you'll have to pay for it yourself". Is that a possibility?

SENATOR MAZUREK; It could be. However, a counter-balancing possibility is that the city may well take the district out, and say "the cost of installing and maintaining has been born by you, but for the maintenance of the district from this time forward, you'll pay 100%." It runs both ways.

TOM CROWLEY mentioned he'd like to address the public hearing process. Lighting districts are handled just like special improvement districts. The city is required to mail out notices to each and every property owner within the district and there is a public hearing. At the original creation of the district, you have a full review of the process. Before the lighting district is created, the council has the opportunity to have the

resolution creating the district in its final form as they feel that the majority of the people will agree to it. Every year thereafter the city council has to pass a resolution relating to the lighting districts for assessments because Montana Power raises the rates as approved by the Public Service Commission. Once the lighting district is created, the property owners still have the opportunity to protest in case that special improvement district to be dissolved or altered. It happens all the time. There is a full range of review from front to back on lighting districts.

CHAIRMAN BERTELSEN asked if there were further questions. As there were none, he closed the hearing on SENATE BILL 152.

EXECUTIVE SESSION:

SENATE BILL 35 - sponsored by Senator Steve Brown.

REP. SALES moved that SENATE BILL 35 BE CONCURRED IN.

CHAIRMAN BERTELSEN stated this bill proposes a joint hearing for the municipality and subdivision review.

QUESTION is whether SENATE BILL 35 be concurred in.

All in favor say "aye". All voted "aye" and the MOTION CARRIED by UNANIMOUS VOTE.

SENATE BILL 115 - sponsored by Senator George McCallum

REP. SALES moved that Senate Bill 115 BE CONCURRED IN.

CHAIRMAN BERTELSEN asked if there were any questions or discussion. This bill has to do with protest hearings on refuse districts.

REP. ANDREASON said he'd like a little discussion on the percentage figure. It seems to me that the percentage is quite high.

REP. GOULD suggested that it be left as is for now. If there are any problems, it can be changed at the next legislative session.

REP. HANNAH said he sees no need for the bill. There is one localized problem over one localized sewer district and this bill is designed to address that problem.

REP. SALES responded to Rep. Hannah. We set up a rural garbage district 10 years ago in Gallatin County. It took in Three Forks, Manhattan, Belgrade and all the rural area. Over 6,000 people

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL SENATE BILL 152 Date MARCH 5, 1981

SPONSOR SENATOR JOE MAZUREK 12:30 p.m.

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPP
Tom Crowley	Missoula	City of Missoula	✓	
Bob Erickson	Helena	City of Helena	✓	
Dan Kemmis	Helena	Mont League of Cities	✓	
Karen Black	Pompeys Pillar			
Margaret Attlesey	Pompeys Pillar			
Joe Mazurek	Helena	Sen Dist 16	✓	
Paul G. Pistoria	GF. Falls. State Rep.	GFalls		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34
1-79

NAME Tom Crowley BILL No. SB 152

ADDRESS _____ DATE March 5, 1981

WHOM DO YOU REPRESENT City of Missoula

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This Bill makes City lighting districts consistent w) County lighting districts.
2. We have some County lighting districts within the city & the properties in ~~those~~ districts to ~~pay~~ pay 100% of the cost.
3. Downtowns & Industrial and some multifamily subdivisions petition to lighting district for higher lighting levels & more expensive type installation. In the City the rest of the tax payers have to now pay 25% of the lighting district cost.
4. This bill would make lighting assessments consistent through out an area. plus flexibility
5. Presently the general tax payers have to pay 25% or $24,000 in missoula for lighting district that they really don't receive the specific benefit.

TO: The Chairman and Members of the House Local Government Committee

FROM: Lee Heiman, Committee Counsel

DATE: March 5, 1981

RE: Summaries of Senate Bills 115, 131, and 152

SB 115 (McCallum). Provides for notice and protest provisions on fees to be charged for refuse disposal districts. A protest by 50% of the family residential units in the district regarding the fee to be charged requires a hearing to determine an acceptable fee.

SB 131 (Boylan). Requires that a fence be built and maiintained between improved real property and agricultural property by the owner of the improved real property. The failure to construct the fence is a defense by the owner of trespassing livestock for damages.

SB 152 (Mazurek). Allows greater flexibility in assessing the costs for street lighting districts. Allows any portion of the costs to be assessed against property owners in the district, rather than the current provision limiting the assessment to between 3/4 and 1/4 of the costs.

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
March 24, 1981

The Local Government Committee met Tuesday, March 24, 1981 at 12:30 p.m. in Room 103 of the Capitol, Chairman Bertelsen called the meeting to order and the secretary called the roll. All committee members were present except REPS. AZZARA, DUSSAULT, GOULD, and HURWITZ. Staff Researcher LEE HEIMAN was present too.

SB 96 , Sponsored by SEN. FRED VAN VALKENBURG

SEN. VAN VALKENBURG presented the bill to committee members. This bill would amend the laws relating to funding of the Special Improvement District revolving fund to provide that the cost of the improvements may include up to 5% of that total amount to fund the revolving fund which guarantees payments on any defaults from SID payments. The reason this is being sought is that presently the revolving fund is funded from all the sources, but one is from a general fund mill levy. What is happening there is that all of the taxpayers in a community are being forced to guarantee the bonds that are being sought by the limited number who want to have a particular special improvement district in their area. This has the effect where general fund monies are very tight, making it difficult to form SID's in one respect or to fund other needed services that are required out of the city's general fund in another respect.

You may be interested to know that the Revenue Oversight Committee during the interim between the last session did a fairly extensive study of SID's in Montana. There is considerable discussion on pages 3 and 4 about this particular problem of funding the revolving fund. The Senate added an amendment to the bill, new section 4, which would require that if the revolving fund was never tapped to pay off defaults, it would revert back to the property owners in the SID in the form of a partial payment on their final assessment. There may be some objection to that from representatives of the cities, but the members of the Senate who worked on that felt fairly strong about it and would be interested in taking this to a conference committee if that disappeared. On the other hand, I think there were problems with the language used and as a result I would propose that that section be rewritten to accomplish the general purpose of the Senate in that regard. The Senate acted on both this bill, SB 221 and SB 382 after the transmittal date and transmitted them after the 45th transmittal date. Consequently, from your work perspective, I don't feel there is a real rush to put amendments on these bills and pass them out by the 70th day. The Senate is bound by its committment of treating these as revenue bills. They were referred to the Senate Taxation Committee rather than the Senate Local Government Committee.

On page 2, line 10 the present statutory conjunction of "and" was stricken and an "or" was inserted. I question whether that should not be left as "and" and I think that one of the people

REP. HANNAH asked that we delay action until he talks to some people about this bill.

CHAIRMAN BERTELSEN said that we're having a problem with SB 152 which we passed on and which we left out some technical amendments. I would like to ask you to reconsider to allow Lee to put the amendments in the bill to make it legal. This is the lighting bill.

REP. KITSELMAN moved that Lee Heiman be delegated to make the technical amendments.

LEE HEIMAN said this has to do with Section 2. Section 7-12-4321. There are two sections within the same part that say "not more than three-quarters and not less than one-fourth." Those two sections conflict. They should have exactly the same wordings on line 20.

CHAIRMAN BERTELSEN commented that he is trying to make the rest of the code coincide with what we have done in this bill. In order to make the bill proper, it needs to be done in that manner. It won't change the bill in any way. Is it agreeable with the committee that Lee take care of that clarification?

REP. HANNAH moved that we consider action on SB 152 for the sole purpose of allowing Lee Heiman to make the necessary corrections for coding purposes.

QUESTION: All in favor of this reply "aye". All replied "aye". MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 2:20 p.m.

Verner L. Bertelsen
VERNER L. BERTELSEN, Chairman

hbm

House
Local Government Committee
March 25, 1981
Amend Senate Bill 152

1. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-12-4301,"
Insert: "7-12-4321, AND 7-12-4328,"

2. Page 2.
Following: line 7
Insert: see attached

" Section 2. Section 7-12-4321, MCA, is amended to read:

"7-12-4321. Apportionment of costs. The portion of the entire cost of erecting and maintaining the posts, wires, pipes, conduits, lamps, and other suitable or necessary appliances for the purpose of lighting said streets or public highways and of the annual cost of supplying electrical current for and maintaining the lights thereon in such districts, ~~not less than one-fourth or more than three-fourths~~ all or any portion as shall be determined by the city or town council, shall be borne by the property embraced within said district."

Section 3. Section 7-12-4328, MCA, is amended to read:

"7-12-4328. Resolution to provide for assessment of costs of installation. (1) It shall be the duty of the city or town council to ascertain the cost of installing such lighting system and, on or before the first Monday in October, to pass and finally adopt a resolution levying and assessing all of the property embraced within said district with ~~not less than one-fourth or more than three-fourths~~ all or any portion of the entire cost of installing the same; each lot or parcel of land in said district to be assessed in accordance with the method adopted by the city council as provided in 7-12-4321 through 7-12-4324.

(2) Any such resolution shall contain a list in which shall be described each lot or parcel of land, either the total number of square feet of property contained therein or the total number of linear feet abutting the improvements as may be required to determine the total assessment in the district, and the amount levied against each lot or parcel of land set opposite.

(3) Such resolution, signed by the mayor and city clerk, shall be kept on file in the office of the city clerk." "

SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 25, 1981

House Chambers
Capitol Building

House convened at 3:10 p.m., Mr. Speaker in the Chair. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Bergene, Pavlovich, excused. Quorum present.

Mr. Speaker: We, your Committee on Legislative Administration/Bills and Journal, having examined the daily journal for the Sixty-fifth Legislative Day, find the same to be correct.

SPILKER, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Spilker, Chairman): 3/25/81

Correctly printed - HB 560, HB 655.

Correctly engrossed - HJR 47.

Correctly enrolled - HB 15, HB 98, HB 112, HB 147, HB 257, HB 302, HB 473, HB 492, HB 525, HB 540, HB 584, HB 625, HB 643, HB 661, HB 711.

Examined by the sponsor (Donaldson) and found to be correct - HB 15, HB 35.

Examined by the sponsor (Feda) and found to be correct - HB 98.

Examined by the sponsor (Lund) and found to be correct - HB 112.

Examined by the sponsor (Brand) and found to be correct - HB 147.

Examined by the sponsor (Wallin) and found to be correct - HB 257.

Examined by the sponsor (Fabrega) and found to be correct - HB 284, HB 473.

Examined by the sponsor (Bardanouve) and found to be correct - HB 302.

Examined by the sponsor (Keyser) and found to be correct - HB 409.

Examined by the sponsor (Burnett) and found to be correct - HB 411.

Examined by the sponsor (Dozier) and found to be correct - HB 435.

Examined by the sponsor (Dussault) and found to be correct - HB 457.

Examined by the sponsor (Seifert) and found to be correct - HB 462.

Examined by the sponsor (Meyer) and found to be correct - HB 492.

Examined by the sponsor (Ellerd) and found to be correct - HB 525.

Examined by the sponsor (Metcalf) and found to be correct - HB 528.

Examined by the sponsor (Huennekens) and found to be correct - HB 535, HB 537, HB 540.

Examined by the sponsor (Ellison) and found to be correct - HB 584.

Signed by the Speaker at 4:30 p.m., 3/24/81 - HB 16, HB 67, HB 99, HB 106, HB 285, HB 286, HB 296, HB 405, HB 439, HB 452, HB 494, HB 522, HB 534, HB 547, HB 630, HB 681, HB 690, HJR 22.

Signed by the Speaker at 9:22 a.m., 3/25/81 - HB 35, HB 284, HB 409, HB 411, HB 435, HB 462, HB 528, HB 535, HB 537, HB 748, HB 749, HJR 19.

Delivered to the Governor for his approval at 10:30 a.m., 3/25/81 - HB 91, HB 100, HB 154, HB 172, HB 201, HB 271, HB 288, HB 324, HB 346, HB 358, HB 404, HB 466, HB 468, HB 593, HB 598, HB 632, HB 637, HB 812.

LOCAL GOVERNMENT (Bertelsen, Chairman): 3/21/81

SB 353, be not concurred in.

of reallocating space in the Capitol for various legislative functions, for improving life-safety aspects of the building, and for other purposes; and

WHEREAS, the Capitol Building and Planning Committee found that it is necessary for the Legislature to state its intent with regard to the allocation of space in connection with a remodeling and renovation project.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislature endorses the general concept of the preliminary feasibility plan that provides for the following features:

(a) semi-private office space for legislators in space now occupied by the Superintendent of Public Instruction, the Legislative Auditor, and committee rooms;

(b) remodeling of space now occupied by the Supreme Court Justices' chambers and the State Law Library into a Senate chamber and associated offices;

(c) saving the historic chamber now occupied by the Supreme Court for a formal hearing room;

(d) remodeling the space currently occupied by the Senate into eight large committee rooms, four on the third floor and four on the fourth floor;

(e) renovating the interior of the building to provide service functions required by the above referenced alterations and to provide required life-safety features; and

(f) renovating the Capitol facade so as to protect the history and tradition that it represents.

(2) That the second floor of the Capitol remain dedicated to Executive Branch functions.

(3) That the Legislature assign to the Capitol Building and Planning Committee the responsibility of serving as the owner's representative in working with the architects and planners engaged to do the detailed planning on the above and to make the detailed decisions necessary to accomplish the broad objectives stated in this resolution."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Bertelsen, Chairman): 3/25/81

SB 152, third reading copy, be amended as follows:

1. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-12-4301,"
Insert: "7-12-4321, AND 7-12-4328,"

2. Page 2.
Following: line 7
Insert: "Section 2. Section 7-12-4321, MCA, is amended to read:

"7-12-4321. Apportionment of costs. The portion of the entire cost of erecting and maintaining the posts, wires, pipes, conduits, lamps, and other suitable or necessary appliances for the purpose of lighting said streets or public highways and of the annual cost of supplying electrical current for and maintaining the lights thereon in such districts, ~~not less than one-fourth or more than three-fourths~~ all or any portion as shall be determined by the city or town council, shall be borne by the property embraced within said district."

Section 3. Section 7-12-4328, MCA, is amended to read:

"7-12-4328. Resolution to provide for assessment of costs of installation. (1) It shall be the duty of the city or town council to ascertain the cost of installing such lighting system and, on or before the first Monday in October, to pass and finally adopt a resolution levying and assessing all of the property embraced within said district with ~~not less than one-fourth or more than three-fourths~~ all or any portion of the entire cost of installing the same; each lot or parcel of land in said district to be assessed in accordance with the method adopted by the city council as provided in 7-12-4321 through 7-12-4324.

(2) Any such resolution shall contain a list in which shall be described each lot or parcel of land, either the total number of square feet of property contained therein or the total number of linear feet abutting the improvements as may be required to determine the total assessment in the district, and the amount levied against each lot or parcel of land set opposite.

(3) Such resolution, signed by the mayor and city clerk, shall be kept on file in the office of the city clerk.""

And, as amended, be concurred in. Report adopted.

SB 221, third reading copy, be amended as follows:

1. Page 6, lines 7 and 8.
Following: "payable"
Strike: "AS FOLLOWS:

(A) ONE-HALF OF SUCH TAXES SHALL BE PAYABLE"

2. Page 6, lines 15 through 19.
Following: line 14
Strike: subsection (b) in its entirety

And, as amended, be concurred in. Report adopted.

SB 382, be concurred in. Report adopted.
SB 399, third reading copy, be amended as follows:

1. Title, line 4.
Following: "ACT TO"
Strike: "REQUIRE"
Insert: "PROVIDE FOR"

2. Title, lines 5 through 7.
Following: "APPROVAL"
Insert: ","
Strike: remainder of line 5 through "PROVIDING FOR THE" on line 7
Following: "AMENDMENT"
Insert: ","

SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 28, 1981

House Chambers
Capitol Building

House convened at 9:10 a.m., Mr. Speaker in the Chair. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Burnett, Conroy, Kanduch, Matsko, O'Hara, Sivertsen, the Committee on Judiciary, excused. Quorum present.

Mr. Speaker: We, your Committee on Legislative Administration/Bills and Journal, having examined the daily journal for the Sixty-eighth Legislative Day, find the same to be correct.

SPILKER, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Spilker, Chairman): 3/28/81
Correctly printed - HB 42, HB 410, HB 499, HB 718, HB 828, HB 853, HB 860, HJR 26, HJR 34.
Correctly engrossed - HB 560.
Considered correctly engrossed - HB 837.

APPROPRIATIONS (Lund, Chairman): 3/27/81
HB 828, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "office"
Insert: "until June 30, 1983,"

2. Page 1, line 18.
Following: line 17
Insert: "Section 2. Effective date. This act is effective on passage and approval."

3. Title, line 9.
Following: "BORDERS"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Gould, Chairman): 3/27/81
SB 480, third reading copy, be amended as follows:

1. Title, line 12.
Following: "COSTS;"
Strike: "EXEMPTING AUDIOLOGISTS FROM LICENSURE;"

2. Title, line 13.
Following: "37-16-102,"
Strike: "37-16-103,"

3. Page 8, line 23 through line 11 on page 9.
Following: line 22
Strike: section 5 in its entirety
Renumber: subsequent sections

4. Page 11, line 8.
Following: line 7
Strike: "temporary"

Total 6

Representative Lund excused at this time.

Representative Marks moved that SB 152, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: "system"
Insert: "installed after July 1, 1981,"

Amendment passed by the following vote:

Ayes: Abrams, Anderson, Azzara, Bengtson, Bennett, Bergene, Bertelsen, Briggs, Brown, Cozzens, Curtiss, Dussault, Ellison, Ernst, Eudaily, Fagg, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Iverson, Jacobsen, Keedy, Kennerly, Keyser, Kitselman, Lory, Manning, Marks, McBride, McLane, Metcalf, Meyer, Mueller, Nilson, Nordtvedt, Oberg, O'Connell, Pavlovich, Phillips, Pistoria, Roth, Roush, Ryan, Sales, Schultz, Seifert, Shontz, Smith, Spilker, Switzer, Teague, Thoft, Vincent, Vinger, Wallin, Williams, Winslow, Yardley, Zabrocki.
Total 65

Noes: None.
Total 0

Excused: Andreason, Brand, Burnett, Conn, Daily, Donaldson, Dozier, Hurwitz, Jensen, Kanduch, Kessler, Lund, Manuel, Matsko, Moore, Neuman, O'Hara, Sivertsen, Stobie, Waldron.
Total 20

Absent or not voting: Asay, Bardanouve, Conroy, Devlin, Ellerd, Fabrega, Feda, Huennekens, Kemmis, Kropp, Menahan, Quilici, Robbins, Shelden, Underdal.
Total 15

Representatives Daily and Hurwitz present at this time.

Representative Quilici excused at this time.

Representative Hannah moved that SB 152, as amended, be concurred in. Representative Pistoria made a substitute motion that SB 152, as amended, be not concurred in. Motion failed by the following vote:

Ayes: Abrams, Asay, Gould, Hemstad, Jacobsen, Kennerly, Manning, Menahan, Nilson, O'Connell, Pavlovich, *Pistoria, Roush, Switzer, Teague, Underdal, Zabrocki.
Total 17

Noes: Anderson, Azzara, Bengtson, Bergene, Bertelsen, Briggs, Brown, Cozzens, Curtiss, Daily, Devlin, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Hannah, Hanson, Harp, Harrington, Hart, Holliday, Hurwitz, Keedy, Kemmis, Keyser, Kitselman, Lory, Marks, McBride, McLane, Metcalf, Meyer, Mueller, Nordtvedt, Oberg, Phillips, Roth, Ryan, Sales, Schultz, Seifert, Shelden, Spilker, Thoft, Vincent, Vinger, Wallin, Williams, Winslow, Yardley.
Total 54

Excused: Andreason, Brand, Burnett, Conn, Donaldson, Dozier, Jensen, Kanduch, Kessler, Lund, Manuel, Matsko, Moore, Neuman, O'Hara, Quilici, Sivertsen, Stobie, Waldron.
Total 19

Absent or not voting: Bardanouve, Bennett, Conroy, Harper, Huennekens, Iverson, Kropp, Robbins, Shontz, Smith.
Total 10

*Representative Pistoria moved that his vote be changed from no to yes. Motion carried unanimously. See Motions.

Thereupon, SB 152, as amended, was concurred in by the following vote:

Ayes: Anderson, Azzara, Bengtson, Bennett, Bergene, Bertelsen, Briggs, Brown, Cozzens, Curtiss, Daily, Devlin, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Hannah, Hanson, Harp, Harper, Harrington, Hart, Holliday, Hurwitz, Jacobsen, Keedy, Kemmis, Keyser, Kitselman, Lory, Marks, McBride, McLane, Metcalf, Meyer, Mueller, Nordtvedt, Oberg, Phillips, Roth, Ryan, Sales, Schultz, Seifert, Smith, Spilker, Switzer, Thoft, Vincent, Wallin, Williams, Winslow, Yardley.
Total 57

Noes: Abrams, Asay, Gould, Hemstad, Huennekens, Kennerly, Manning, Menahan, Nilson, O'Connell, Pavlovich, *Pistoria, Robbins, Roush, Teague, Underdal, Vinger, Zabrocki.
Total 18

Excused: Andreason, Brand, Burnett, Conn, Donaldson, Dozier, Jensen, Kanduch, Kessler, Lund, Manuel, Matsko, Moore, Neuman, O'Hara, Quilici, Sivertsen, Stobie, Waldron.
Total 19

Absent or not voting: Bardanouve, Conroy, Iverson, Kropp, Shelden, Shontz.
Total 6

*Representative Pistoria moved that his vote be changed from yes to no. Motion carried unanimously. See Motions.

Representative Keedy moved that SB 286, as amended, be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Briggs, Brown, Cozzens, Curtiss, Daily, Devlin, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Jacobsen, Keedy, Kemmis, Kennerly, Keyser, Kitselman, Lory, Manning, McBride, McLane, Menahan, Metcalf, Meyer, Mueller, Nilson, Nordtvedt, Oberg, O'Connell, Phillips, Roth, Roush, Ryan, Sales, Schultz, Seifert, Shelden, Smith, Spilker, Switzer, Teague, Underdal, Vincent, Vinger, Wallin, Winslow, Yardley, Zabrocki.
Total 71

Noes: None.
Total 0

Excused: Andreason, Brand, Burnett, Conn, Donaldson, Dozier, Jensen, Kanduch, Kessler, Lund, Manuel, Matsko, Moore, Neuman, O'Hara, Quilici, Sivertsen, Stobie, Waldron.
Total 19

Absent or not voting: Bertelsen, Conroy, Kropp, Marks, Pavlovich, Pistoria, Robbins, Shontz, Thoft, Williams.
Total 10

Representative Cozzens moved that consideration on SB 392 be passed for the day. Motion carried.

Representative Pistoria moved that his vote be changed from no to yes on SB 152 (the "be not concurred in" vote) on Second Reading this day. Motion carried unanimously.

Representative Pistoria moved that his vote be changed from yes to no on SB 152 (the "be concurred in" vote) on Second Reading this day. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Fagg moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading under the rules of the previous sitting. Motion carried.

Representative Seifert in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

Representatives Donaldson, Moore, and Stobie present at this time.

Representative O'Connell excused at this time.

Representative Ellison moved that HB 718 do pass. Representative Kemmis made a substitute motion that consideration on HB 718 be passed until the 70th legislative day. Motion carried.

Representative Fagg moved that SB 9, as amended, be concurred in. Motion carried by the following vote:

Ayes: Anderson, Asay, Bardanouve, Bengtson, Bergene, Bertelsen, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dussault, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Feda, Gould, Harp, Harper, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Kennerly, Kitselman, Lory, Lund, Manning, Manuel, Marks, McLane, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Pavlovich, Phillips, Pistoria, Robbins, Roush, Schultz, Shelden, Shontz, Spilker, Teague, Thoft, Underdal, Vincent, Vinger, Wallin, Williams, Winslow, Zabrocki.
Total 59

Noes: Bennett, Brown, Jacobsen, McBride, Nordtvedt, Ryan, Sales, Smith, Stobie, Switzer, Yardley.
Total 11

Excused: Andreason, Brand, Burnett, Conn, Dozier, Harrington, Jensen, Kanduch, Kessler, Matsko, O'Connell, O'Hara, Quilici, Sivertsen, Waldron.
Total 15

Absent or not voting: Abrams, Azzara, Briggs, Conroy, Ernst, Hannah, Hanson, Keedy, Kemmis, Keyser, Kropp, Menahan, Oberg, Roth, Seifert.
Total 15

Representative Fagg in the Chair.

Representative Seifert moved that SB 33, as amended, be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brown, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dussault, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Harp, Harper, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Keedy,